

Catholic Action and Right to Life Report

October 13, 2005

Ohio Senate Bill 17 Update

Recapitulation

There is a proposal in the Ohio legislature to retroactively extend the statute of limitations for civil but not criminal actions, to include acts committed as early as 1970.

The Catholic bishops of Ohio strongly supported the legislation as originally proposed. The bill would add clergy to the list of persons who must report child abuse and would extend the deadline for filing childhood abuse claims from age 20 to age 38. The problem lies in an amendment, included in the version passed by the Ohio Senate this spring, that for a one-year period would **reopen** expired limitations in civil suits involving childhood sexual assault, for incidents that allegedly took place as early as 1970, fifteen years earlier than under current law.

One would expect that this retroactive extension of the statute of limitations, if passed into law, would be ruled unconstitutional. A similar reopening was ruled unconstitutional by the Ohio Supreme Court in 1981. Another similar law in California was recently found unconstitutional by the Supreme Court.

If this act were passed into law, more accusations no doubt would be filed against our clergy and our bishops, some probably involving deceased clergy, any number of which accusations could be false. In the normal course, one such case would have to go through the court system to the Ohio Supreme Court before a ruling could be made that the reopened statute of limitations is unconstitutional. This would be done at great monetary cost, not to mention the agony to the persons involved, and the fact that spiritual and mental wounds would probably be re-opened rather than healed in the process.

Update

No action, other than a very few discussions between Church representatives and a few individual legislators, took place during the legislature's summer recess. Currently, although the legislature is now back in session, things remain quiet on this bill.

I am told that the Ohio Supreme Court has decided that it will consider and rule on issues regarding statutes of limitations that have been raised by this bill as well as by court cases in Cincinnati and Toledo, that is, before the act would be passed. The House Judiciary Committee might postpone work on the bill until the Supreme Court rules on the constitutionality issue.

The Catholic Conference of Ohio has removed information on the bill from its website, because it doesn't want to interfere with negotiations with the interested parties, including SNAP and Voice of The Faithful.

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